

MESSAGE NO: 2087303 MESSAGE DATE: 03/27/2012

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: PRE-Preliminary PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: AFF-Affirmative

FR CITE: 77 FR 17439 FR CITE DATE: 03/26/2012

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-980

EFFECTIVE DATE: 12/27/2011 COURT CASE #:

PERIOD OF REVIEW: 01/01/2010 TO 12/31/2010

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Notice of preliminary determination in the countervailing duty investigation of crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC (C-570-980)

1. ON 03/26/2012, COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS AFFIRMATIVE PRELIMINARY DETERMINATION IN THE COUNTERVAILING DUTY INVESTIGATION OF CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, WHETHER OR NOT ASSEMBLED INTO MODULES, FROM THE PEOPLE'S REPUBLIC OF CHINA (77 FR 17439).

2. THE MERCHANDISE COVERED BY THIS INVESTIGATION ARE CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, AND MODULES, LAMINATES, AND PANELS, CONSISTING OF CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, WHETHER OR NOT PARTIALLY OR FULLY ASSEMBLED INTO OTHER PRODUCTS, INCLUDING, BUT NOT LIMITED TO, MODULES, LAMINATES, PANELS AND BUILDING INTEGRATED MATERIALS.

THIS INVESTIGATION COVERS CRYSTALLINE SILICON PHOTOVOLTAIC CELLS OF THICKNESS EQUAL TO OR GREATER THAN 20 MICROMETERS, HAVING A P/N JUNCTION FORMED BY ANY MEANS, WHETHER OR NOT THE CELL HAS UNDERGONE OTHER PROCESSING, INCLUDING, BUT NOT LIMITED TO, CLEANING, ETCHING, COATING, AND/OR ADDITION OF MATERIALS (INCLUDING, BUT NOT LIMITED TO, METALLIZATION AND CONDUCTOR PATTERNS) TO COLLECT AND FORWARD THE ELECTRICITY THAT IS GENERATED BY THE CELL.

SUBJECT MERCHANDISE MAY BE DESCRIBED AT THE TIME OF IMPORTATION AS PARTS FOR FINAL FINISHED PRODUCTS THAT ARE ASSEMBLED AFTER IMPORTATION, INCLUDING, BUT NOT LIMITED TO, MODULES, LAMINATES, PANELS, BUILDING-INTEGRATED MODULES, BUILDING-INTEGRATED PANELS, OR OTHER FINISHED GOODS KITS. SUCH PARTS THAT OTHERWISE MEET THE DEFINITION OF SUBJECT MERCHANDISE ARE INCLUDED IN THE SCOPE OF THIS INVESTIGATION.

EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE THIN FILM PHOTOVOLTAIC PRODUCTS PRODUCED FROM AMORPHOUS SILICON (A-SI), CADMIUM TELLURIDE (CDTE), OR COPPER INDIUM GALLIUM SELENIDE (CIGS).

ALSO EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, NOT EXCEEDING 10,000MM² IN SURFACE AREA, THAT ARE PERMANENTLY INTEGRATED INTO A CONSUMER GOOD WHOSE FUNCTION IS OTHER THAN POWER GENERATION AND THAT CONSUMES THE ELECTRICITY GENERATED BY THE INTEGRATED CRYSTALLINE SILICON PHOTOVOLTAIC CELL. WHERE MORE THAN ONE CELL IS PERMANENTLY INTEGRATED INTO A CONSUMER GOOD, THE SURFACE AREA FOR PURPOSES OF THIS EXCLUSION SHALL BE THE TOTAL COMBINED SURFACE AREA OF ALL CELLS THAT ARE INTEGRATED INTO THE CONSUMER GOOD.

MODULES, LAMINATES, AND PANELS PRODUCED IN A THIRD-COUNTRY FROM CELLS PRODUCED IN THE PRC ARE COVERED BY THIS INVESTIGATION; HOWEVER, MODULES, LAMINATES, AND PANELS PRODUCED IN THE PRC FROM CELLS PRODUCED IN A THIRD-COUNTRY ARE NOT COVERED BY THIS INVESTIGATION.

MERCHANDISE COVERED BY THIS INVESTIGATION IS CURRENTLY CLASSIFIED IN THE HARMONIZED TARIFF SYSTEM OF THE UNITED STATES (HTSUS) UNDER SUBHEADINGS 8501.61.0000, 8507.20.80, 8541.40.6020 AND 8541.40.6030. THESE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES; THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION IS DISPOSITIVE.

3. THIS INVESTIGATION HAS BEEN ASSIGNED INVESTIGATION NUMBER C-570-980.

4. BECAUSE COMMERCE PREVIOUSLY DETERMINED THAT CRITICAL CIRCUMSTANCES EXIST FOR IMPORTS OF CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, WHETHER OR NOT ASSEMBLED INTO MODULES, FROM THE PEOPLE'S REPUBLIC OF CHINA FROM ALL PRODUCERS AND/OR EXPORTERS (PLEASE SEE MESSAGE NUMBER 2055305, DATED 02/24/2012), CBP SHALL SUSPEND LIQUIDATION OF ALL APPROPRIATE ENTRIES OF CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, WHETHER OR NOT ASSEMBLED INTO MODULES, FROM THE PEOPLE'S REPUBLIC OF CHINA THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 12/27/2011, WHICH IS 90 DAYS BEFORE THE DATE OF PUBLICATION OF THE PRELIMINARY DETERMINATION IN THE FEDERAL REGISTER. EFFECTIVE 12/27/2011, FOR ENTRIES OF CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, WHETHER OR NOT ASSEMBLED INTO MODULES, FROM THE PEOPLE'S REPUBLIC OF CHINA FROM ALL PRODUCERS AND/OR EXPORTERS, CBP SHALL REQUIRE A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE SUBSIDY RATES FOR THE PRODUCER AND/OR EXPORTER LISTED IN THE COMPANY-DETAILS

TABLE APPENDED TO THE BOTTOM OF THIS MESSAGE.

5. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CBP OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING DUTIES, CBP OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O6:EH).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party

Case #	Rate	Party Indicator*	Party ID	Party Name
C-570-980-000	3.61	E		All Others
C-570-980-001	2.9	E		Wuxi Suntech Power Co., Ltd
C-570-980-001	2.9	M		Wuxi Suntech Power Co., Ltd
C-570-980-002	2.9	E		Luoyang Suntech Power Co., Ltd.
C-570-980-002	2.9	M		Luoyang Suntech Power Co., Ltd.
C-570-980-003	2.9	E		Suntech Power Co., Ltd.
C-570-980-003	2.9	M		Suntech Power Co., Ltd.
C-570-980-004	2.9	E		Yangzhou Rietech Renewal Energy Co., Ltd.
C-570-980-004	2.9	M		Yangzhou Rietech Renewal Energy Co., Ltd.
C-570-980-005	2.9	E		Zhenjiang Huantai Silicon Science & Technology Co., Ltd.
C-570-980-005	2.9	M		Zhenjiang Huantai Silicon Science & Technology Co., Ltd.
C-570-980-006	2.9	E		Kuttler Automation Systems (Suzhou) Co., Ltd.
C-570-980-006	2.9	M		Kuttler Automation Systems (Suzhou) Co., Ltd.
C-570-980-007	4.73	E		Changzhou Trina Solar Energy Co., Ltd.
C-570-980-007	4.73	M		Changzhou Trina Solar Energy Co., Ltd.
C-570-980-008	4.73	E		Trina Solar (Changzhou) Science and Technology Co., Ltd.

Case #	Rate	Party Indicator*	Party ID	Party Name
C-570-980-008	4.73	M		Trina Solar (Changzhou) Science and Technology Co., Ltd.